



DAC \$ #3

PATENT

Attorney Docket No. 57761.000144

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :)	Attention: Office of Petitions
)	
Pui Lun LAU)	
)	
Serial No.: 09/776,944)	Group Art Unit: Not Assigned
)	
Assigned Filed Date: October 31, 2000)	Examiner: Not Assigned
)	
For: SYSTEM AND METHOD FOR)	
RAPIDLY SWITCHING)	
BETWEEN REDUNDANT)	
NETWORKS)	BOX DAC

RECEIVED
APR 26 2001
OFFICE OF PETITIONS

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

**REQUEST FOR RECONSIDERATION OF DECISION DISMISSING
PETITION, AND FURTHER PETITION UNDER 37 CFR 1.183**

On February 14, 2001, Applicant submitted a petition ("Petition") requesting that the Patent Office grant the above-captioned application a filing date of October 31, 2000. This was the date that the application was filed by Express Mail to the address: Assistant Commissioner for Patents, Crystal Plaza 1, Suite 1A031, 2011 South Clark Place, Arlington, Virginia 22202. The Applicant received a response to the Petition on March 21, 2001, dismissing the Petition, although granting the above-captioned application a filing date of February 14, 2001 (the date that the Petition and copy of the application papers were received at the Patent Office). Applicant respectfully requests reconsideration of this dismissal for the reasons stated below.

The Office's Decision states that the Applicant failed to use the address specified in 37 CFR 1.10(e) and 37 CFR 1.1(a). Applicant respectfully requests suspension of these rules to the extent that they apply to the above-identified fact situation.

First, the Petition submitted on February 14, 2001 clearly establishes that the above-captioned application was deposited with the U.S. Post Office by Express Mail on October 31, 2000. Moreover, the mailing of the application to the Assistant Commissioner for Patents at the 2011 South Clark address should have been sufficient to direct the application to the appropriate receiving site within the U.S. Patent Office, as it contained sufficient information to identify the proper recipient.

Second, the harm to Applicant upon being denied the earlier filing date may potentially be significant, and even irreparable. Namely, there is significant commercial activity in the technical field to which the present application pertains. In this field, a delay in filing of over three months may place the Applicant in an unfavorable position in overcoming prior art having a prior art date within this three month period. Certainly, this delay in filing represents a serious obstacle with respect to prior art that effectively became a bar to patentability within this three month period.

Third, the undersigned has investigated the circumstances surrounding the use of the above-identified Express Mail address. Based on the undersigned's investigation, it appears that this address was based on or derived from potentially faulty information provided by a Patent Office employee, in response to an inquiry made by administrative personnel within the undersigned's firm.

At least these three factors weigh heavily in favor of suspending the relevant provisions of 37 CFR 1.1(a) and 37 CFR 1.10(e), to the extent that these rules apply to

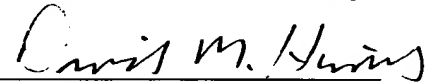
the above-captioned case, and accordingly granting the above-captioned application a filing date of October 31, 2000. Applicant thus respectfully requests that the Patent Office reconsider the Decision dismissing the Petition and grant the Applicant the October 31, 2000 filing date.

A check in the amount of \$ 130.00 is enclosed to cover the cost of filing this paper. Any additional fees assessed by the Patent Office in connection with this paper may be charged to Deposit Account No. 50-0206.

Any questions regarding this paper may be directed to the undersigned at the telephone number listed below.

Respectfully submitted,

HUNTON & WILLIAMS



David M. Huntley
Registration No. 40,309

Dated: April 23, 2001

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TO NAME: U.S. Patent and Trademark Office: Office of Petitions
FIRM:
LOCATION:

FAX NO.: 703-308-6916
PHONE NO.:

PAGES (INCLUDING COVER): 4

ORIGINAL TO FOLLOW IN MAIL: ☐ Yes ☒ No

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APR 23 2001

PETITIONS OFFICE

FROM NAME: David M. Huntley of Hunton & Williams
FLOOR:
DIRECT DIAL:

MESSAGE

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT (703) 714-7500.

OPERATOR

DATE: April 23, 2001

TIME:

CLIENT/MATTER NAME:

CLIENT/MATTER NO.:

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*** RX REPORT ***

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START TIME	04/23(MO)22:12
USAGE TIME	01'15"
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RESULT	OK